



STATE OF MICHIGAN  
RUTH JOHNSON, SECRETARY OF STATE  
DEPARTMENT OF STATE  
LANSING

July 12, 2013

STATE OF MICHIGAN  
FULL TEXT OF STATEWIDE BALLOT PROPOSALS  
NOVEMBER 4, 2014 GENERAL ELECTION

- I. **KEEP MICHIGAN WOLVES PROTECTED:** Referendum of Public Act 520 of 2012, which authorizes the establishment of the first open hunting season for wolves. Referendum petition approved as to form January 17, 2013; filed March 27, 2013; and certified by the Board of State Canvassers on May 22, 2013.

**Contact:** Keep Michigan Wolves Protected, 5859 West Saginaw Highway No. 273, Lansing, Michigan 48917.

**Full Text of Proposal:** (The amendments created by Public Act 520 of 2012 are shown by strike out and bold print.)

AN ACT to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending sections 40103, 40118, 43503, and 43507 (MCL 324.40103, 324.40118, 324.43503, and 324.43507), section 40103 as amended by 2000 PA 191, section 40118 as amended by 2000 PA 347, section 43503 as added by 1995 PA 57, and section 43507 as amended by 1996 PA 585, and by adding sections 40110b, 43528b, and 43540e.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 40103. (1) "Game" means any of the following animals but does not include privately owned cervidae species located on a ~~registered~~ cervidae livestock facility ~~as that term is defined in~~ **REGISTERED UNDER** the privately owned cervidae producers marketing act, **2000 PA 190, MCL 287.951 TO 287.969:**

(a) Badger.

(b) Bear.  
 (c) Beaver.  
 (d) Bobcat.  
 (e) Brant.  
 (f) Coot.  
 (g) Coyote.  
 (h) Crow.  
 (i) Deer.  
 (j) Duck.  
 (k) Elk.  
 (l) Fisher.  
 (m) Florida gallinule.  
 (n) Fox.  
 (o) Geese.  
 (p) Hare.  
 (q) Hungarian partridge.  
 (r) Marten.  
 (s) Mink.  
 (t) Moose.  
 (u) Muskrat.  
 (v) Opossum.  
 (w) Otter.  
 (x) Pheasant.  
 (y) Quail.  
 (z) Rabbit.  
 (aa) Raccoon.  
 (bb) Ruffed grouse.  
 (cc) Sharptailed grouse.  
 (dd) Skunk.  
 (ee) Snipe.  
 (ff) Sora rail.  
 (gg) Squirrel.  
 (hh) Weasel.  
 (ii) Wild turkey.  
**(JJ) WOLF.**  
**(KK) ~~(jj)~~ Woodchuck.**  
**(ll) ~~(kk)~~ Woodcock.**  
**(MM) ~~(H)~~ Virginia rail.**

(2) “Interim order of the department” means an order of the department issued under section 40108.

(3) “Kind” means an animal's sex, age, or physical characteristics.

(4) “Normal agricultural practices” means generally accepted agricultural and management practices as defined by the commission of agriculture **AND RURAL DEVELOPMENT.**

(5) “Open season” means the dates during which game may be legally taken.

(6) “Parts” means any or all portions of an animal, including the skin, plumage, hide, fur, entire body, or egg of an animal.

(7) “Protected” or “protected animal” means an animal or kind of animal that is designated by the department as an animal that shall not be taken.

(8) “Residence” means a permanent building serving as a temporary or permanent home. Residence may include a cottage, cabin, or mobile home, but does not include a

structure designed primarily for taking game, a tree blind, a tent, a recreational or other vehicle, or a camper.

**SEC. 40110b. (1) THE LEGISLATURE FINDS AND DECLARES THAT:**

**(A) THE WILDLIFE POPULATIONS OF THE STATE AND THEIR HABITAT ARE OF PARAMOUNT IMPORTANCE TO THE CITIZENS OF THIS STATE.**

**(B) THE SOUND MANAGEMENT OF WOLF POPULATIONS IN THIS STATE IS NECESSARY, INCLUDING THE USE OF HUNTING AS A MANAGEMENT TOOL, TO MINIMIZE NEGATIVE HUMAN AND WOLF ENCOUNTERS AND TO PREVENT WOLVES FROM THREATENING OR HARMING HUMANS, LIVESTOCK, AND PETS.**

**(2) THE LEGISLATURE HEREBY AUTHORIZES THE ESTABLISHMENT OF THE FIRST OPEN SEASON FOR WOLF. THE COMMISSION MAY ISSUE ORDERS UNDER SECTION 40113A ESTABLISHING ANNUAL WOLF HUNTING SEASONS THROUGHOUT THE STATE.**

Sec. 40118. (1) A person who violates this part, an order or interim order issued under this part, or a condition of a permit issued under this part, except for a violation specified in subsections (2) to (12), is guilty of a misdemeanor punishable by imprisonment for not more than 90 days, or a fine of not less than \$50.00 or more than \$500.00, or both, and the costs of prosecution. In addition, a permit issued by the department under this part shall be revoked pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(2) A person who violates a provision of this part or an order or interim order issued under this part regarding the possession or taking of any game, except deer, bear, wild turkey, **WOLF**, moose, or elk, is guilty of a misdemeanor punishable by imprisonment for not more than 90 days, or a fine of not less than \$100.00 or more than \$1,000.00, or both, and the costs of prosecution.

(3) **A EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, A** person who violates a provision of this part or an order or interim order issued under this part regarding the possession or taking of deer, bear, or wild turkey, **OR WOLF** is guilty of a misdemeanor and shall be punished by imprisonment for not less than 5 days or more than 90 days, and a fine of not less than \$200.00 or more than \$1,000.00, and the costs of prosecution. **A PERSON SHALL NOT BE PUNISHED UNDER THIS SUBSECTION FOR LAWFULLY REMOVING, CAPTURING, OR DESTROYING A WOLF UNDER 2008 PA 290, MCL 324.95151 TO 324.95155, OR 2008 PA 318, MCL 324.95161 TO 324.95167.**

(4) A person who violates a provision of this part or an order or interim order issued under this part regarding the possession or taking of elk is guilty of a misdemeanor punishable by imprisonment for not less than 30 days or more than 180 days, or a fine of not less than \$500.00 or more than \$2,000.00, or both, and the costs of prosecution.

(5) A person who violates a provision of this part or an order or interim order issued under this part regarding the possession or taking of moose is guilty of a misdemeanor and shall be punished by imprisonment for not less than 90 days or more than 1 year and a fine of not less than \$1,000.00 or more than \$5,000.00, and the costs of prosecution.

(6) A person sentenced pursuant to subsection (3), (4), (5), (10), or (11) shall not secure or possess a license of any kind to hunt during the remainder of the year in which convicted and the next 3 succeeding calendar years. A person sentenced pursuant to subsection (7) shall not secure or possess a license to hunt during the remainder of the year in which convicted and the next succeeding calendar year.

(7) A person who violates section 40113(1) is guilty of a misdemeanor punishable by imprisonment for not less than 5 days or more than 90 days, or a fine of not less than \$100.00 or more than \$500.00, or both, and the costs of prosecution.

(8) A person who violates section 40113(2) is guilty of a misdemeanor punishable by imprisonment for not more than 90 days, or a fine of not less than \$50.00 or more than \$500.00, or both, and the costs of prosecution.

(9) A person who violates section 40113(3) is guilty of a misdemeanor and shall be punished by imprisonment for not less than 5 days or more than 90 days and a fine of not less than \$100.00 or more than \$500.00, and the costs of prosecution.

(10) A person who violates a provision of this part or an order or interim order issued under this part regarding the taking or possession of an animal that has been designated by the department to be a protected animal, other than an animal that appears on a list prepared pursuant to section 36505, is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not less than \$100.00 or more than \$1,000.00, or both, and the costs of prosecution.

(11) A person who buys or sells game or a protected animal in violation of this part or an order or interim order issued under this part is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$1,000.00, or both, for the first offense, and is guilty of a felony for each subsequent offense.

(12) If a person is convicted of a violation of this part or an order or interim order issued under this part and it is alleged in the complaint and proved or admitted at trial or ascertained by the court after conviction that the person had been previously convicted 2 times within the preceding 5 years for a violation of this part or an order or interim order issued under this part, the person is guilty of a misdemeanor and shall be punished by imprisonment for not less than 10 days or more than 180 days, and a fine of not less than \$500.00 or more than \$2,000.00, and costs of prosecution.

Sec. 43503. (1) "Fish" means all species of fish.

(2) "Fishing" means the pursuing, capturing, catching, killing, or taking of fish, and includes attempting to pursue, capture, catch, kill, or take fish.

(3) "Firearm" means a weapon from which a dangerous projectile may be propelled by using explosives, gas, or air as a means of propulsion. Firearm does not include a smooth bore rifle or handgun designed and manufactured exclusively for propelling BB's not exceeding .177 caliber by means of a spring or air or gas.

(4) "Firearm deer season" means any period in which deer may be lawfully hunted with a firearm.

(5) "Fur-bearing animals" includes badger, beaver, bobcat, coyote, fisher, fox, lynx, marten, mink, muskrat, opossum, otter, raccoon, skunk, **AND** weasel. ~~and wolf.~~

Sec. 43507. (1) "Senior citizen" means a resident 65 years of age or older.

(2) "Slingshot" means a Y-shaped device with an elastic strip attached between the prongs used for projecting a stone or other object.

(3) "Small game" includes all species of protected game birds and game animals except bear, deer, elk, moose, wild turkey, **WOLF**, and fur-bearing animals.

(4) "Small game season" means that period between September 15 and March 31.

(5) "Sportcard" means a folder, document, plastic card, or other device issued by the department containing the ~~person's~~ **INDIVIDUAL'S** name, address, and vital statistics as required by the department.

**SEC. 43528b. (1) AN INDIVIDUAL SHALL NOT HUNT WOLF WITHOUT A WOLF HUNTING LICENSE. THE FEE FOR A RESIDENT WOLF HUNTING LICENSE IS \$100.00. THE FEE FOR A NONRESIDENT WOLF HUNTING**

**LICENSE IS \$500.00. THE DEPARTMENT MAY ESTABLISH A NONREFUNDABLE APPLICATION FEE NOT TO EXCEED \$4.00 FOR EACH PERSON WHO APPLIES FOR A WOLF HUNTING LICENSE.**

**(2) THE DEPARTMENT MAY ISSUE A KILL TAG WITH, OR AS PART OF, A WOLF HUNTING LICENSE. THE PROVISIONS OF SECTION 43526(2) REGARDING KILL TAGS APPLY WITH RESPECT TO A WOLF HUNTING LICENSE.**

**SEC. 43540e. (1) THE WOLF MANAGEMENT ADVISORY COUNCIL IS CREATED WITHIN THE DEPARTMENT.**

**(2) THE COUNCIL SHALL CONSIST OF AT LEAST THE FOLLOWING MEMBERS:**

**(A) THE DIRECTOR OF THE DEPARTMENT OR HIS OR HER DESIGNEE.**

**(B) ONE MEMBER REPRESENTING AN ORGANIZATION THAT PROMOTES CONSERVATION IN THIS STATE APPOINTED BY THE DIRECTOR OR HIS OR HER DESIGNEE.**

**(C) ONE MEMBER REPRESENTING ORGANIZATIONS THAT PROMOTE HUNTING OR FISHING IN THIS STATE APPOINTED BY THE DIRECTOR OR HIS OR HER DESIGNEE.**

**(D) ONE MEMBER REPRESENTING A TRIBAL GOVERNMENT APPOINTED BY THE DIRECTOR OR HIS OR HER DESIGNEE.**

**(E) ONE MEMBER REPRESENTING AGRICULTURAL INTERESTS APPOINTED BY THE DIRECTOR OR HIS OR HER DESIGNEE.**

**(F) ONE MEMBER REPRESENTING AN ANIMAL ADVOCACY ORGANIZATION APPOINTED BY THE DIRECTOR OR HIS OR HER DESIGNEE.**

**(3) THE COUNCIL SHALL MEET AT LEAST ANNUALLY.**

**(4) A MAJORITY OF THE MEMBERS OF THE COUNCIL CONSTITUTE A QUORUM FOR THE TRANSACTION OF BUSINESS AT A MEETING OF THE COUNCIL. A MAJORITY OF THE MEMBERS PRESENT AND SERVING ARE REQUIRED FOR OFFICIAL ACTION OF THE COUNCIL.**

**(5) THE BUSINESS THAT THE COUNCIL MAY PERFORM SHALL BE CONDUCTED AT A PUBLIC MEETING OF THE COUNCIL HELD IN COMPLIANCE WITH THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275.**

**(6) A WRITING PREPARED, OWNED, USED, IN THE POSSESSION OF, OR RETAINED BY THE COUNCIL IN THE PERFORMANCE OF AN OFFICIAL FUNCTION IS SUBJECT TO THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246.**

**(7) MEMBERS OF THE COUNCIL SHALL SERVE WITHOUT COMPENSATION. HOWEVER, MEMBERS OF THE COUNCIL MAY BE REIMBURSED FOR THEIR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES AS MEMBERS OF THE COUNCIL.**

**(8) THE COUNCIL SHALL ANNUALLY SUBMIT TO THE COMMISSION AND TO THE LEGISLATURE A REPORT THAT MAKES NONBINDING RECOMMENDATIONS AS TO THE PROPER MANAGEMENT OF WOLVES IN THIS STATE.**

**This act is ordered to take immediate effect.**

**II. VOTERS FOR FAIR USE OF BALLOT REFERENDUM:** Constitutional amendment petition filed with the Secretary of State on February 6, 2013 and approved as to form by the Board of State Canvassers on February 15, 2013. Petition proposes to amend the Michigan Constitution to extend the power of referendum to bills containing appropriations.

**Contact:** Voters for Fair Use of Ballot Referendum, P.O. Box 21820, Detroit, Michigan 48221.

**Full Text of Proposal:** (The amendments proposed by this petition are shown by strike out and bold print.)

Art. II, §9 of the Michigan Constitution.

The people reserve to themselves the power to propose laws and to enact and reject laws, called the initiative, and the power to approve or reject laws enacted by the legislature, called the referendum. The power of initiative extends only to laws which the legislature may enact under this constitution. The power of referendum ~~does not extend to acts making appropriations for state institutions or to meet deficiencies in state funds and~~ must be invoked in the manner prescribed by law within 90 days following the final adjournment of the legislative session at which the law was enacted. To invoke the initiative or referendum, petitions signed by a number of registered electors, not less than eight percent for initiative and five percent for referendum of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected shall be required.

**THE POWER OF REFERENDUM MAY BE INVOKED BY THE PEOPLE AGAINST ONE OR MORE PARTS OR SECTIONS OF ANY LAW IN THE SAME MANNER IN WHICH SUCH POWER MAY BE INVOKED AGAINST A WHOLE LAW. THE FILING OF A REFERENDUM PETITION AGAINST ONE OR MORE PARTS OR SECTIONS OF A LAW SHALL NOT DELAY THE REMAINDER OF SUCH LAW FROM BECOMING EFFECTIVE.**

No law **OR PORTION THEREOF** as to which the power of referendum properly has been invoked shall be effective thereafter unless approved by a majority of the electors voting thereon at the next general election, **EXCEPT THAT IF A LAW OR PORTION THEREOF AS TO WHICH THE POWER OF REFERENDUM HAS BEEN INVOKED CONTAINS APPROPRIATIONS FOR STATE INSTITUTIONS OR TO MEET DEFICIENCIES IN STATE FUNDS, SUCH APPROPRIATIONS SHALL BECOME EFFECTIVE AS SPECIFIED IN THE LAW AND WITHOUT REGARD TO THE REFERENDUM.**

Any law proposed by initiative petition shall be either enacted or rejected by the legislature without change or amendment within 40 session days from the time such petition is received by the legislature. If any law proposed by such petition shall be enacted by the legislature it shall be subject to referendum, as hereinafter provided.

If the law so proposed is not enacted by the legislature within the 40 days, the state officer authorized by law shall submit such proposed law to the people for approval or rejection at the next general election. The legislature may reject any measure so proposed by initiative petition and propose a different measure upon the same subject by a ye and nay vote upon separate roll calls, and in such event both measures shall be submitted by such state officer to the electors for approval or rejection at the next general election.

Any law **OR PORTION THEREOF** submitted to the people by either initiative or referendum petition and approved by a majority of the votes cast thereon at any election shall take effect 10 days after the date of the official declaration of the vote. No law initiated or adopted by the people shall be subject to the veto power of the governor, and no law adopted by the people at the polls under the initiative provisions of this section shall be amended or repealed, except by a vote of the electors unless otherwise provided in the initiative measure or by three-fourths of the members elected to and serving in each house of the legislature. Laws approved by the people under the referendum provision of this section may be amended by the legislature at any subsequent session thereof. If two or more measures approved by the electors at the same election conflict, that receiving the highest affirmative vote shall prevail.

The legislature shall implement the provisions of this section.

- III. COMMITTEE TO BAN FRACKING IN MICHIGAN:** Initiative petition filed with the Secretary of State on February 13, 2013 and approved as to form by the Board of State Canvassers on February 15, 2013. Amended petition filed with the Secretary of State on March 5, 2013 and approved as to form by the Board of State Canvassers on April 17, 2013. Petition proposes to amend the Natural Resources and Environmental Protection Act, 1994 PA 451, to prohibit the use of horizontal hydraulic fracturing in this state.

**Contact:** Committee to Ban Fracking in Michigan, 9330 Boyne City Road, Charlevoix, Michigan 49720.

**Full Text of Amended Proposal:** (The amendments proposed by this petition are shown by strike out and bold print.)

An initiation of Legislation to prohibit the use of horizontal hydraulic fracturing and production, storage, disposal, and processing of horizontal hydraulic fracturing wastes in Michigan; to eliminate the state's policy favoring ultimate recovery of maximum production of oil and gas; and to protect public health, land, water, and air by amending Public Act 451 of 1994 entitled, "Natural Resources and Environmental Protection Act," by amending sections 61502 and 61504 and by adding section 61528 to read as follows:

The People of the State of Michigan enact:

MCL 324.61502 Construction of Part

It has long been the declared policy of this state to foster conservation of natural resources so that our citizens may continue to enjoy the fruits and profits of those resources. Failure to adopt such a policy in the pioneer days of the state permitted the unwarranted slaughter and removal of magnificent timber

abounding in the state, which resulted in an immeasurable loss and waste. In an effort to replace some of this loss, millions of dollars have been spent in reforestation, which could have been saved had the original timber been removed under proper conditions. ~~In past years extensive deposits of oil and gas have been discovered that have added greatly to the natural wealth of the state and if properly conserved can bring added prosperity for many years in the future to our farmers and landowners, as well as to those engaged in the exploration and development of this great natural resource.~~ The interests of the people demand that exploitation and waste of oil and gas be prevented so that the history of the loss of timber may not be repeated. It is accordingly the declared policy of the state to protect the interests of its citizens and landowners from unwarranted waste of gas and oil ~~and to foster the development of the industry along the most favorable conditions and with a view to the ultimate recovery of the maximum production of these natural products.~~ To that end, this **THIS** part is to be construed liberally to give effect to sound policies of conservation and the prevention of waste and exploitation, **AND TO PROTECT HUMAN HEALTH AND WATER.**

**MCL 324.61504 Waste prohibited**

A person shall not commit waste in the exploration for or in the development, **DRILLING, COMPLETION**, production, handling, or use of oil or gas, or in the handling of any product of oil or gas.

**MCL 324.61528 HORIZONTAL HYDRAULIC FRACTURING PROHIBITED**

**(1) TO ENSURE THE HEALTH, SAFETY AND GENERAL WELFARE OF THE PEOPLE AND TO PROTECT PLANTS, ANIMALS, AIR, LAND, AND WATER, NO PERSON, CORPORATION OR OTHER ENTITY SHALL USE, NOR SHALL THE DEPARTMENT PERMIT THE USE OF, HORIZONTAL HYDRAULIC FRACTURING IN THE STATE, NOR SHALL A PERSON, CORPORATION OR OTHER ENTITY STORE, DISPOSE, OR PROCESS IN THE STATE, WASTES USED OR PRODUCED IN HORIZONTAL HYDRAULIC FRACTURING.**

**(2) "HORIZONTAL HYDRAULIC FRACTURING" AS USED IN THIS PART MEANS THE TECHNIQUE OF EXPANDING OR CREATING ROCK FRACTURES LEADING FROM SUBSTANTIALLY HORIZONTAL WELLBORES, BY INJECTING SUBSTANCES INCLUDING BUT NOT LIMITED TO WATER, FLUIDS, CHEMICALS, AND PROPPANTS, UNDER PRESSURE, INTO OR UNDER ROCK FORMATIONS, FOR PURPOSES OF EXPLORATION, DRILLING, COMPLETION, OR PRODUCTION OF OIL OR NATURAL GAS.**

**(3) "HORIZONTAL HYDRAULIC FRACTURING WASTE" AS USED IN THIS PART MEANS ANY OF THE FOLLOWING IN REGARD TO HORIZONTAL HYDRAULIC FRACTURING:**

**(A) INJECTION OF FRACTURING FLUIDS CONSISTING OF, BUT NOT LIMITED TO, WATER, CHEMICALS, PROPPANTS, AND ADDITIVES USED FOR HORIZONTAL HYDRAULIC FRACTURING.**

**(B) PRODUCTION OF BRINES, FLOWBACK, PRODUCED WATER, RESIDUAL FLUIDS, OR DRILL CUTTINGS THAT RETURN TO THE SURFACE IN THE HORIZONTAL DRILLING AND HYDRAULIC FRACTURING PROCESS.**



**IV. NO TAXES FOR ABORTION INSURANCE:** Initiative petition filed with the Secretary of State on May 17, 2013 and approved as to form by the Board of State Canvassers on May 22, 2013. Petition proposes to create a new act to require the purchase of health care plan coverage for elective abortion to be exclusively by optional rider for which additional premium has been paid by the purchaser.

**Contact:** No Taxes for Abortion Insurance, P.O. Box 901, Grand Rapids, Michigan 49509.

**Full Text of Proposal:** (If adopted, the proposal would create an entirely new act.)

An initiation of Legislation to enact the Abortion Insurance Opt-Out Act. The initiated law would require the purchase of coverage for elective abortion in a health care plan to be by an optional rider only; require notice to employees for whom elective abortion coverage is purchased by their employer; and provide penalties for violations of this act.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 1. This act shall be known and may be cited as the “Abortion Insurance Opt-Out Act.”

Sec. 2. A qualified health plan offered through an American health benefit exchange in this state pursuant to the Patient Protection and Affordable Care Act, Public Law 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Public Law 111-152, shall not provide coverage for elective abortion. This section does not prohibit an individual, organization, or employer participating in a qualified health plan offered through an American health benefit exchange in this state from purchasing supplemental coverage for elective abortion outside of the exchange by an optional rider as provided in this act.

Sec. 3. An expense-incurred hospital, medical or surgical policy or certificate, or health care corporation group or nongroup certificate delivered, issued for delivery, or renewed in this state, or a health maintenance organization group or individual contract offered outside of an American health benefit exchange shall provide coverage for elective abortion only by an optional rider for which an additional premium has been paid by the purchaser.

Sec. 4. An employer may purchase an optional rider to provide coverage for elective abortion if the employer provides notice to each employee that elective abortion will be included as a rider to his or her health coverage and that the coverage may be used by a covered dependent without notice to the employee.

Sec. 5. This act does not require an insurer, health maintenance organization, health care corporation or employer to provide or offer to provide an optional rider for elective abortion coverage.

Sec. 6. This act applies to plans, policies, certificates, or contracts delivered, issued for delivery, or renewed in this state on and after the effective date of this act.

Sec. 7. This act does not apply to benefits provided under Title XIX of the Social Security Act, 42 USC 1396 to 1396W-5.

Sec. 8. This act does not create a right to abortion.

Sec. 9. Notwithstanding any other provision of this act, a person shall not perform an abortion that is prohibited by law.

Sec. 10. (1) An individual or a health facility or agency shall not seek or accept reimbursement from a qualified health plan; an expense-incurred hospital, medical, or surgical policy or certificate; a health maintenance organization group or individual contract; or a health care corporation group or nongroup certificate for any services provided that are directly related to the performance of an elective abortion unless the reimbursement sought or accepted is from an optional rider provided under this act.

(2) This section does not affect legitimate and routine obstetric care, diagnostic testing, or other nonabortion procedures.

(3) An individual or health facility or agency that violates this section is liable for a civil fine of up to \$10,000.00 per violation. The department shall investigate an alleged violation of this section, and the attorney general, in cooperation with the department, may bring an action to enforce this section.

(4) This section does not restrict the right of a physician or other individual licensed or registered under the public health code to discuss abortion or abortion services with a patient who is pregnant.

Sec. 11. As used in this act:

(a) "Elective abortion" means the intentional use of an instrument, drug, or other substance or device to terminate a woman's pregnancy for a purpose other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a fetus that has died as a result of natural causes, accidental trauma, or a criminal assault on the pregnant woman. Elective abortion does not include any of the following:

(i) The use or prescription of a drug or device intended as a contraceptive.

(ii) The intentional use of an instrument, drug, or other substance or device by a physician to terminate a woman's pregnancy if the woman's physical condition, in the physician's reasonable medical judgment, necessitates the termination of the woman's pregnancy to avert her death.

(iii) Treatment upon a pregnant woman who is experiencing a miscarriage or has been diagnosed with an ectopic pregnancy.

(b) "Department" means the Michigan Department of Licensing and Regulatory Affairs or its successor.

(c) "Health care corporation" means a nonprofit health care corporation as defined in section 105 of the nonprofit health corporation reform act, 1980 PA 350, MCL 550.1105.

(d) "Health facility or agency" means that term as defined in section 20106 of the public health code, 1978 PA 368, MCL 333.20106.

(e) "Physician" means an individual licensed or otherwise authorized to engage in the practice of medicine or the practice of osteopathic medicine and surgery under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838.

(f) "Qualified health plan" means that term as defined in section 1301 of the Patient Protection and Affordable Care Act, Public Law 111-148.

Enacting Section 1. If any part or parts of this act are found to be in conflict with the state constitution of 1963, the United States constitution, or federal law, this act shall be implemented to the maximum extent that the state constitution of 1963, the United States constitution, and federal law permit. Any provision held invalid or inoperative shall be severable from the remaining portions of this act.

- V. **KEEP MICHIGAN WOLVES PROTECTED:** Referendum of Public Act 21 of 2013, which authorizes the Natural Resources Commission to add certain animals to the list of game species. Referendum petition approved as to form July 12, 2013.

**Contact:** Keep Michigan Wolves Protected, 5859 West Saginaw Highway No. 273, Lansing, Michigan 48917.

**Full Text of Proposal:** (The amendments created by Public Act 21 of 2013 are shown by strike out and bold print.)

AN ACT to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending sections 40103, 40110, 40113a, and 43536a (MCL 324.40103, 324.40110, 324.40113a, and 324.43536a), section 40103 as amended by 2012 PA 520, section 40110 as added by 1995 PA 57, section 40113a as amended by 1997 PA 19, and section 43536a as amended by 2004 PA 545, and by adding section 48703a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 40103. (1) “Game” means any **animal designated as game under section 40110 and any** of the following animals but does not include privately owned cervidae species located on a cervidae livestock facility registered under the privately owned cervidae producers marketing act, 2000 PA 190, MCL 287.951 to 287.969:

- (a) Badger.
- (b) Bear.
- (c) Beaver.
- (d) Bobcat.
- (e) Brant.
- (f) Coot.
- (g) Coyote.
- (h) Crow.
- (i) Deer.
- (j) Duck.
- (k) Elk.
- (l) Fisher.
- (m) Florida gallinule.
- (n) Fox.

- (o) Geese.
- (p) Hare.
- (q) Hungarian partridge.
- (r) Marten.
- (s) Mink.
- (t) Moose.
- (u) Muskrat.
- (v) Opossum.
- (w) Otter.
- (x) Pheasant.
- (y) Quail.
- (z) Rabbit.
- (aa) Raccoon.
- (bb) Ruffed grouse.
- (cc) Sharptailed grouse.
- (dd) Skunk.
- (ee) Snipe.
- (ff) Sora rail.
- (gg) Squirrel.
- (hh) Virginia rail.**
- (II) ~~(hh)~~ Weasel.**
- (jj) ~~(ii)~~ Wild turkey.**
- (kk) ~~(jj)~~ Wolf.**
- (ll) ~~(kk)~~ Woodchuck.**
- (mm) ~~(ll)~~ Woodcock.**
- ~~(mm) Virginia rail.~~**

(2) "Interim order of the department" means an order of the department issued under section 40108.

(3) "Kind" means an animal's sex, age, or physical characteristics.

(4) "Normal agricultural practices" means generally accepted agricultural and management practices as defined by the commission of agriculture and rural development.

(5) "Open season" means the dates during which game may be legally taken.

(6) "Parts" means any or all portions of an animal, including the skin, plumage, hide, fur, entire body, or egg of an animal.

(7) "Protected" or "protected animal" means an animal or kind of animal that is designated by the department as an animal that shall not be taken.

(8) "Residence" means a permanent building serving as a temporary or permanent home. Residence may include a cottage, cabin, or mobile home, but does not include a structure designed primarily for taking game, a tree blind, a tent, a recreational or other vehicle, or a camper.

Sec. 40110. **(1) Only the legislature or the commission may designate a species as game. If an animal is designated under this section by the legislature or commission as game, then only the legislature or commission may authorize the establishment of the first open season for that animal. Only the legislature may remove a species from the list of game. The commission shall exercise its authority under this subsection by issuing orders. The commission shall not designate any of the following as game under this subsection:**

- (a) A domestic animal.**
- (b) Livestock.**

**(c) Any species added to the game list by a public act that is rejected by a referendum before the effective date of the 2013 amendatory act that amended this section.**

(2) After the legislature **or commission** authorizes the establishment of the first open season for game pursuant to this section, the department may issue orders pertaining to that animal for each of the purposes listed in section 40107.

**(3) As used in this section:**

**(a) “Domestic animal” means those species of animals that live under the husbandry of humans.**

**(b) “Livestock” includes, but is not limited to, cattle, sheep, new world camelids, goats, bison, privately owned cervids, ratites, swine, equine, poultry, and rabbits. Livestock does not include dogs and cats.**

Sec. 40113a. (1) The legislature finds and declares that:

(a) The wildlife populations of the state and their habitat are of paramount importance to the citizens of this state.

(b) The sound scientific management of the wildlife populations of the state, including hunting of bear, is declared to be in the public interest.

(c) The sound scientific management of bear populations in this state is necessary to minimize human/bear encounters and to prevent bears from threatening or harming humans, livestock, and pets.

(2) ~~The commission of natural resources shall have~~ **has** the exclusive authority to regulate the taking of game as defined in section 40103 in this state. The ~~commission of natural resources shall, to the greatest extent practicable, utilize principles of sound scientific management in making decisions regarding the taking of game. Issuance of orders by the commission of natural resources regarding the taking of game shall be made following a public meeting and an opportunity for public input. Not less than 30 days before issuing an order, the commission of natural resources shall provide a copy of the order to each of the following:~~

(a) Each member of each standing committee of the senate or house of representatives that considers legislation pertaining to conservation, the environment, natural resources, recreation, tourism, or agriculture.

(b) The chairperson of the senate appropriations committee and the chairperson of the house of representatives appropriations committee.

(c) The members of the subcommittee of the senate appropriations committee and the subcommittee of the house of representatives appropriations committee that consider the budget of the department of natural resources.

Sec. 43536a. (1) **A Subject to any lottery and other eligibility requirements, a member of the military may obtain any license under this part** ~~for which a lottery is not required for \$1.00 free of charge upon presentation to a licensing agent of leave papers, duty papers, military orders, or other evidence acceptable to the department verifying that he or she is stationed outside of this state. The license is valid for a period of up to 2 weeks designated by the member of the military but only during the season in which such a license would otherwise be valid.~~ **a member of the military.**

(2) As used in this section, “member of the military” means either of the following:

(a) A person described by section 43506(3)(d). ~~who is stationed outside this state.~~

(b) A person who meets all of the following requirements:

(i) The person is a reserve component soldier, sailor, airman, or marine or member of the Michigan national guard and is called to federal active duty.

(ii) At the time the person was called to federal active duty, he or she was a resident of this state.

~~—(iii) The person is stationed outside this state.—~~

(iii) ~~(iv)~~ The person has maintained his or her residence in this state for the purpose of obtaining a driver license or voter registration, or both.

**Sec. 48703a. The commission has the exclusive authority to regulate the taking of fish in this state. The commission shall, to the greatest extent practicable, utilize principles of sound scientific management in making decisions regarding the taking of fish. The commission shall issue orders regarding the taking of fish following a public meeting and an opportunity for public input. Not less than 30 days before issuing an order, the commission shall provide a copy of the order to each of the following:**

**(a) Each member of each standing committee of the senate or house of representatives that considers legislation pertaining to conservation, the environment, natural resources, recreation, tourism, or agriculture.**

**(b) The chairperson of the senate appropriations committee and the chairperson of the house of representatives appropriations committee.**

**(c) The members of the subcommittee of the senate appropriations committee and the subcommittee of the house of representatives appropriations committee that consider the budget of the department of natural resources.**